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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/631,949

07/30/2003

Hal Ambuter

102792-161

1765

27389

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08/08/2005

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NEW YORK, NY 10022

EXAMINER

HUSBAND, SARAH E

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/631,949

Applicant(s)

AMBUTER ET AL.

Examiner

Sarah E. Husband

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 5-18 have been renumbered claims 7-20. The dependency of the claims has also been corrected to reflect this change. However, this creates an uncertainty in the dependence of the claims which depended from claim 5. In the original presentation of the claims, there are two of claim 5. There are multiple claims which depend on claim 5 and it is unclear as to the appropriate claim 5 the dependent claims are based on. Therefore, for this office action, the examiner will assume that the claims which were originally dependent on claim 5 are now actually dependent on claim 7 as corrected by Rule 126.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Tranzocchi (GB Patent Application 2104109).

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Tranzocchi discloses a method for operating a dispensing unit dispensing a plurality of wash substances (treating compositions) in a washing machine, operating a cartridge with at least two compartments (chambers) containing wash substances and wherein only one compartment and one wash substance is activated at a time (page 1, ll. 28-36). Tranzocchi specifically states that each compartment contains one wash substance (ll. 35-36) and a distributor for "selectively distributing water ... to one of several compartments..." (ll. 31-32). Tranzocchi discloses four compartments contain a plurality of wash substances and they are different substances (page 1, ll. 90-93; Fig. 5, Items 22-25). Tranzocchi also discloses using bleach, which would correspond with the hypohalite/peroxygen detergent that applicant states in the specification is a bleach (spec. page 1, paragraph 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tranzocchi in view of Applicant's specification.

Tranzocchi discloses the method shown above in the above 102(b) rejection. Re claim 2, the courts have ruled that duplication of parts is obvious, *St. Regis Paper Co. v. Beemis Co. Inc.* 193 USPQ 8, 11 (1977); *In re Harza* 124 USPQ 378 (CCPA 1960). Re claim 8 and 10, Applicant discloses on page 1, paragraph 2 that the use of enzymatic detergents and rinse

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agents are conventional. Therefore, since Tranzocchi discloses that the different compartments can contain a prewash detergent or a variety of suitable substances, it would be obvious to use an enzymatic detergent in the pre-wash washing segment and also a rinsing agent because they are well known in the art as steps of the washing process.

Claims 11-14, 16-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tranzocchi in view of Reinert (US Patent No. 4,592,785).

Tranzocchi discloses the method shown above in the above 102(b) rejection. Tranzocchi does not specifically disclose sensors sensing a parameter of the washing machine and conveying the parameter back to the cartridge influencing the operation of a cartridge chamber. Reinhart discloses a pH electrode (sensor) which is in continuous contact with the washing solution and senses the hardness of the water and also the level of soil in the washing process (col. 8, ll. 45-65 and col. 8, line 66-col. 9, line 28). Depending on the measurements of the electrode, the appropriate amounts of softener or detergent are added (col. 8, ll. 52-55). Reinert also discloses that this process is for use in a dishwasher (col. 2, ll. 10-16).

Tranzocchi and Reinhart are analogous art because they are from the same field of endeavor, cleaning processes. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the washing process shown by Tranzocchi with a sensor to be able to control the amounts of detergent added to a washing process (col. 2, ll. 10-16).

Claims 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tranzocchi and Reinhert as applied to claims 11-14, 16-18 and 20 and further in view of Roth (US Patent No. 6,622,754).

Tranzocchi discloses the method shown above in the above 102(b) rejection. Tranzocchi does not specifically disclose a load sensor for a washing machine. Roth discloses a method of determining a dish load for an automatic dishwasher (abstract; col. 7, ll. 19-55). Tranzocchi and Roth are analogous art because they are from the same field of endeavor, washing processes. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the washing method shown by Tranzocchi with a load sensor for the benefit of having a wash cycle which is proportional to the load amount (col. 1, ll. 44-50).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art not disclosed are Bunnell (US 3,696,970), Reinert (US 4,334,881), Giang (US 5,950,028), Cerruti (US Pub 20020153029 A1), Ward (US Pub 20030045432 A1), Appel (US Pub 20030116177 A1), Aouad (US Pub 20030172961 A1) and Durfee (US Pub 20030196278 A1), who teach dispensing and/or sensing means in washing appliances.

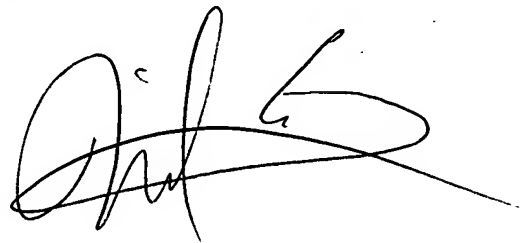
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah E. Husband whose telephone number is (571) 272-8387. The examiner can normally be reached on M-F 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached at (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEH 8/4/05

MICHAEL BARR
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to be 'Michael Barr', written over a horizontal line.